

Application No. 10/673,685  
Amendment "B" dated October 5, 2005  
Reply to Office Action mailed April 5, 2005

### REMARKS

These remarks and the accompanying amendments are responsive to the Office Action made final and dated April 5, 2005 (hereinafter referred to as the "Office Action"), having a shortened statutory period for response that expired July 5, 2005. A previous response (i.e., Amendment "B") had been filed on July 5, 2005. Only four claims were and remain current pending, specifically independent Claims 2 and 5, and respective dependent Claims 3 and 6. Each of these claims are further amended by this response. A Request for Continued Examination (RCE) and a petition and fee for a three-month extension of time accompany this response. Therefore, entry and consideration of the amendments and remarks made herein is respectfully requested herein.

The Office Action rejected all of the claims under 35 U.S.C. 102(e), and rejected the independent Claims 2 and 5 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Advisory Action mailed July 21, 2005 made clear although the claims amendments made in Amendment "B" mailed July 5, 2005 were entered of record, and has overcome the 35 U.S.C. 102(e) rejection, that the 35 U.S.C. 112, first paragraph rejection remains. Accordingly, the remainder of these remarks addresses why the claims, as presented herein, satisfy the written description requirement. As a side note, the undersigned expresses sincere appreciation to the Examiner for the telephonic interview held October 4, 2005. The remainder of these remarks serve also as a summary of the arguments provided during the telephonic interview. As discussed during the interview, it is possible that a supplemental amendment may be provided shortly.

Claims 2 and 5 are clearly supported by the specification of the present application, since, for example, the signal of the forward common control physical channel in the specification

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satisfies the following requirements and therefore, fits into the recited "signal" in Claims 2 and 5.

Specifically, the forward common control physical channel signal is:

- (1) composed of a plurality of frames;
- (2) transmitted through each of a plurality of radio channels in each of a plurality of sectors;
- (3) a phase of a long code used for spreading the signal is different from each other between a plurality of sectors
- (4) a frame transmission timing of the signal is different from each other between a plurality of sectors; and
- (5) for any given sector of the plurality of sectors, a frame transmission timing of the signal is different from each other between a plurality of radio channels within any given sector of the plurality of sectors.

These features are recited in each of the independent Claims 2 and 5, as amended herein, and will be referred to hereinafter as feature (1), (2), (3), (4) and (5), respectively. The following is an explanation of why the signal of the forward common control physical channel satisfies the above-mentioned features in detail.

Regarding the feature (1), as described in page 27, lines 20-24 and Figures 4A and 4B, the signal of the forward common control physical channel is composed of a plurality of frames. Thus, feature (1) is met.

Regarding features (2) and (5), according to line 3 of Table 15 at pages 49-50 of the specification, the frame transmission timing of the forward common control physical channel is determined based on the offset value TSECT and the offset value TCCCH.

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At page 52, line 2 of the specification, there is the following description regarding the offset value TCCCH: "It can be set for each common control physical channel" referred to herein as "the first passage". Right after this description, there is the following description at page 52, lines 2-5 of the specification referred to herein as "the second passage":

This serves to reduce the occurrence frequency of the matching of transmission patterns between a plurality of common control physical channels in the same sector, thereby making uniform the forward direction interfering amount.

Therefore, the specification makes clear that "a plurality of common control physical channels in the same sector" are forward channels, since there is the final recital "thereby making uniform the forward direction interfering amount" at the conclusion of the second passage.

Therefore, it can be understood that a plural number of the forward common control physical channels are provided in a single sector.

Thus, the signal of the forward common control physical channel is transmitted through each of a plurality of radio channels (i.e. the forward common control physical channels) in each of a plurality of sectors, and therefore the specification fully supports feature (2).

Further, according to the above-mentioned first passage, the offset value TCCCH can be set for each common control physical channel. By setting different frame transmission timings (TCCCH) for each of the plurality of forward common control physical channels in a single sector, it can make uniform the forward direction interfering amount in the sector, as described in the above-mentioned second passage.

Thus, for any given sector of a plurality of sectors, the frame transmission timing of the signal of the forward common control physical channel can be made different from each other between a plurality of radio channels within any given sector of the plurality of sectors. Thus, the specification supports the feature (5).

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Regarding the feature (4), as previously mentioned above, the frame transmission timing of the forward common control physical channel is determined based on the offset value TSECT' and the offset value TCCCH. At page 51, line 11 of the specification, there is the following description regarding the offset value TSECT referred to herein as "the third passage": "Offset values T<sub>SECT</sub>S vary from sector to sector."

Thus, the frame transmission timing of the signal of the forward common control physical channel is different from each other between a plurality of sectors. Thus, the specification supports feature (4).

Regarding feature (3), according to line 3 of Table 15 at pages 49-50 of the specification, the phase of the long code of the forward common control physical channel is determined based on the offset value TSECT. This offset value TSECT varies from sector to sector as supported by the specification in the third passage.

Thus, the phase of the long code used for spreading the signal of the forward common control physical channel is different from each other between a plurality of sectors, and therefore, the specification supports feature (3).

As we described above, the signal of the forward common control physical channel in the specification satisfies the features (1)-(5), and thus fits into the "signal" recited in Claim 2 and 5. Thus, Claims 2 and 5 are supported by the specification, and satisfy the written description requirement. Thus, withdrawal of the 35 U.S.C. 112, first paragraph, rejection is respectfully requested.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

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Respectfully submitted,



ADRIAN J. LEE  
Registration No. 42,785  
Attorneys for Applicants  
Customer No. 022913

AJL:ds  
AJL0000000912V001